

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AMGEN INC. and)	
KAI PHARMACEUTICALS, INC.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 21-662 (MN)
)	
MSN LABORATORIES PRIVATE)	
LIMITED, MSN PHARMACEUTICALS,)	
INC. and USV PRIVATE LIMITED,)	
)	
Defendants.)	

ORDER AFTER PRETRIAL CONFERENCE


AND NOW, this 7th day of November 2023, after a Pretrial Conference and upon consideration of the Proposed Pretrial Order (D.I. 174) and the discussion at the November 6, 2023 Pretrial Conference, IT IS HEREBY ORDERED that:

1. The Proposed Pretrial Order is ADOPTED as modified by any discussion at the Pretrial Conference. (*See* D.I. 179).
2. A bench trial will begin on November 15, 2023 at 8:30 a.m. Trial days will begin at 8:30 a.m. and generally will end at 6:00 p.m., although the end of the trial day may, at the discretion of the Court, be earlier than 6:00 p.m.
3. The trial will be timed. Each side is allowed up to seven (7) hours for its opening statement, its direct and cross-examination of witnesses, closing arguments and argument of evidentiary issues. Each side shall reserve at least one-half hour of its seven (7) hours for closing arguments. Time during the trial day that does not neatly fit into one of those categories will be attributed to one side or the other as the Court deems appropriate.

4. Issues that need to be addressed will be taken up at the beginning or the end of the trial day or at such other time that the Court determines. Issues – including objections to anticipated exhibits or demonstratives – must be brought to the attention of the Court’s Judicial Administrator and Courtroom Deputy by 7:00 a.m. on the day on which the objected-to evidence will be adduced. There will be thirty to forty-five minutes for lunch and a fifteen-minute break in the morning and in the afternoon.

5. As explained at the Pretrial Conference, the parties may not provide witness binders or physical copies of documents (demonstratives, deposition transcripts, etc.) to the Court, but the parties must provide witness binders to the witnesses. The parties shall provide electronic copies of ALL trial exhibits to the Courtroom Deputy by NOON on November 9, 2023. The trial exhibits must be labeled with JTX, DTX or PTX prefixes with exhibit numbers, and the trial exhibits must be organized in a single folder. Additionally, at the beginning of each trial day, the parties shall provide to the Courtroom Deputy electronic copies of witness folders containing the exhibits and demonstratives (if any) to be used on direct examination and cross-examination¹ of any witnesses expected to be called that day.

6. Any trial logistics should be coordinated through the Courtroom Deputy.


The Honorable Maryellen Noreika
United States District Judge

¹ This includes any deposition transcripts or expert reports to be used with witnesses.